

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
v.	:	
GLENN HOLCK	:	NO. 04-370-03
STEPHEN M. UMBRELL	:	NO. 04-370-04

TABLE OF CONTENTS

I.	Denial of Motion for Judgment of Acquittal	1
	A. Conspiracy/Honest Services Fraud	1
	B. Factual Summary	3
	C. Legal Discussion	11
	1. Banks Loans as a Component of Bribery	11
	2. Temporal Attenuation between the Quid and the Quo	16
	3. Other Arguments by Holck and Umbrell Re: Conspiracy Law	22
	4. “Conflict of Interest” Prong	23
	D. Mail Fraud	25
II.	Denial of Motion for New Trial	26
	A. The Fact that Holck and Umbrell Were Convicted of Conspiracy Is an Additional Reason Why They Are Not Entitled to a New Trial Under <i>Dobson</i> .	26
	B. Additional Jury Charge Issues	29
	C. Whether a New Trial Should Be granted or a Hearing Held as to Juror No. 6's Alleged Failure to Disclose Part-Time Position as a Real Estate Agent	32
	1. Alleged Juror No. 6's Misconduct and Bias in “Concealing” Her Part-Time Occupation as a Real Estate Agent during <i>Voir Dire</i>	33

a.	<i>McDonough</i> Prong One: Intentional Withholding Of Material Information	33
b.	<i>McDonough</i> Prong Two: Valid Basis for Challenge for Cause ..	37
2.	Introduction of Extrinsic Evidence into Deliberations	39
3.	Hearing Is Not Necessary under the Facts	46
D.	The Court Allowed Adequate Voir Dire, including the Opportunity of Individual Defense Counsel to Question the Potential Jurors	48
E.	The Court Did Not Err in its Ruling on the Admissibility of Evidence	52
1.	Admissibility of the Flores and Church Loans	53
2.	Admissibility of the Schnapp Loan	54
a.	Schnapp Loan as Intrinsic to the Charged Offense	55
b.	Schnapp Loan Admissible under Rule 404(b)	57
3.	Admissibility of Co-Conspirator Statements	61
F.	There Were No Violations of <i>Brady v. Maryland</i> or Other Prosecutorial Misconduct	62
G.	<i>Ex Parte</i> Communications with Deputy Clerk Issue	62
III.	Conclusion	67

O:\Criminal Cases\04-0370 White, US v\Table of Contents Holck & Umbrell Post Trial Memorandum.wpd